

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

HENRY BARSKIE,

Defendant.

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ORDER

02-CR-975 (NGG)

GARAUFIS, District Judge.

Henry Barskie pled guilty to one count of Conspiracy to Commit Mail Fraud. (Judgment at 1.) I sentenced him to a three-year term of probation and ordered him to pay restitution in the amount of \$349,500. (Id. at 2-3.) Barskie moved the court to modify the amount of his restitution pursuant to 18 U.S.C. § 3563(c). I referred that motion to the Honorable Roanne L. Mann, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Crim. P. 59. (Order dated January 16, 2007.) Judge Mann recommended that I deny Barskie's motion. (Report and Recommendation dated April 4, 2007.)

Barskie has not objected to Judge Mann's Report and Recommendation. The ten-day period for doing so has expired. Fed. R. Crim. P. 59. Barskie has therefore waived his right to review of Judge Mann's Report and Recommendation. Id.; see also Advisory Committee Notes to Fed. R. Crim. P. 59 (2005 Adoption) ("failure to file an objection in accordance with the rule amounts to a waiver of the issue"). I therefore approve, adopt, and ratify the Report and

Recommendation of Judge Mann dated March 16, 2007. Barskie's motion to modify the amount of his restitution is DENIED.

SO ORDERED.

Dated: June 16, 2007
Brooklyn, N.Y.

/s/ Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge